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| 10/024,769 | 12/20/2001 | Jasper Zuidervaat | NL000759 | 4026 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

CHOI, STEPHEN

ART UNIT PAPER NUMBER

3724

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,769

Applicant(s)

ZUIDERVAART ET AL.

Examiner

Stephen Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,7,9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1-3,8 and 11-18 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 13 April 2004 has been entered.

Specification

2. The amendment filed 13 April 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "the auxiliary part is preferably free from surfaces which themselves provide a function related to shaving, such as skin stretching or lubrication. Rather the auxiliary part functions only to support and position attachments such as skin stretchers or lubricant carriers".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

3. Claims 8 and 12 -13 are objected to because of the following informalities: In claim 8, line 2, "out r" should be --outer--. In claims 12-13, line 4, "the outer

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cutting member the auxiliary part..." is grammatically not understood. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 11-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Although the original disclosure discloses the auxiliary part being provided for mounting attachments, there is no support in the original disclosure for the claimed auxiliary part being free from surfaces which provide a function related to shaving, and the auxiliary part being arranged solely to support and position attachments.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 11-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claims 11, 14, and 16, it is not clear what structure is set forth by “the auxiliary part is free from surfaces which provide a function related to shaving, and the auxiliary part is arranged solely to support and position attachments”.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3, 8, 11-12; and 16, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Fujikawa et al. (US 4,888,870).

Fujikawa discloses all the recited elements of the invention including an element (23), which can be snapped onto an outer cutting member (21) by its one side and is provided at its other side with means for removably fastening at least one attachment (41) to the element.

10. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Solie (US 4,003,390).

Solie discloses all the recited elements of the invention including an element (71), which can be snapped onto an outer cutting member (12) by its one side (via 76) and is provided at its other side with means for removably fastening at least one attachment to the element (78). Regarding claim 2, see Figure 4.

Claim Rejections - 35 USC § 103

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11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2 and 18, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujikawa et al. (US 4,888,870).

Fujikawa discloses the invention substantially as claimed except for a rectangular shape. However, one of ordinary skill in the art would have been motivated to make the auxiliary part in a rectangular shape in order to use on a shaver having a rectangular cutting member which is old and well known in the shaver art. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. In re Dailey et al., 149 USPQ 47.

13. Claims 13 and 17, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujikawa et al. (US 4,888,870) in view of Regan (US 3,656,234).

Fujikawa discloses the invention substantially as claimed except a lubricant carrier. Regan discloses a lubricant carrier mounted on a shaving head. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the lubricant carrier as taught by Regan on the device of Fujikawa in lieu of the skin stretcher in order to provide means for applying an emollient.

Allowable Subject Matter

14. Claims 5,7, and 9-10 are allowed.
15. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
16. Claims 14-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

17. Applicant's arguments filed 13 April 2004 regarding the reference to Solie have been fully considered but they are not persuasive.

Applicant contends that nothing in Solie suggests an auxiliary part for mounting attachments, or one which snaps onto an outer cutting member.

The examiner respectfully disagrees. Elements 18 or 71 is an element auxiliary to an electric shaver. Merriam Webster's Collegiate Dictionary 1200 (10th ed.) auxiliary: supplementary, supplement: something that completes. Furthermore, the term "outer cutting member" is not limited to the same outer cutting member the applicant is referring to. The claim does not preclude the outer cutting member including additional elements.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is


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703-306-4523. The examiner can normally be reached on Monday-Friday 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC
05 August 5, 2004


STEPHEN CHOI
PRIMARY EXAMINER